

MEETING NOTES

January 18, 2011

Regular text = paraphrased discussion

Italics=Department's response

Italics and indented=rule change

R9-3-101(11)

Definition of "capacity"

What children are included in a group home's capacity?

The Department is still discussing this definition. We will include a response to this question in the summary for the February 8 meeting.

R9-3-101(17)

Definition of "child care services"

Should the definition state that the activities and programs are provided by the provider, rather than the certificate holder?

Since the Department considers the certificate holder to be ultimately responsible for anything that happens in or under the auspices of the group home, the certificate holder is the person responsible for providing the range of activities and programs that constitute child care services. No change will be made to the definition.

R9-3-101(21)

Definition of "compensation"

If a resident child is counted under the Food Program, is a certificate holder receiving compensation for the resident child?

The term "compensation" was not meant to apply to a resident child, since the statutory authority for child care group home rules does not cover "the care given to children by or in ... the homes of their own parents." (ARS §36-897.04) No change will be made to the definition.

R9-3-101(25)

Definition of "credit hour"

If a staff member completes a college or university on-line course, does that count as "attending" a class?

The Department will clarify the definition as follows:

35-25. "Credit hour" means an academic unit earned ~~at~~ through an accredited college or university ~~by attending a one hour class session each week during a semester or equivalent shorter course term or completing equivalent practical work as part of a course for completing the equivalent of one hour of class time each week during a semester or equivalent shorter course term, as designated by the accredited college or university.~~

R9-3-101(27)

Definition of "Department"

This definition is included in A.R.S. § 36-897 and is not needed.

The Department will remove the definition.

R9-3-101(34)

Definition of "enrolled child"

What if a neighbor's child comes to play with a resident child?

A neighbor's child who has been placed by the child's parent in the group home to receive child care services is an enrolled child and counts in the staff-to-child ratio. If the neighbor's child is not receiving child care services, the child is not an enrolled child. However, the child does count towards the maximum number of children "present in a child care group home at any given time," which may not exceed 15 (A.R.S. § 36-897.02(D)). No change will be made to the definition.

R9-3-101(50)

Definition of "family style"

The term is used on page 80. Why is it being deleted?

The term is used in only one place in the rules. Rather than define the term, we can review its usage when we get to R9-3-407 and describe its meaning where it is used in the rules if its meaning is not self-evident.

R9-3-101(36)

Definition of "field trip"

If children are playing in the unfenced front yard of a group home, does that constitute a field trip? What if parents sign a field trip consent form?

The Department will change the definition of "field trip" as follows to make it more like that for child care facilities. This will allow a parent to consent to an enrolled child being taken from areas of a child care group home approved for providing services to another location, be it a park or the unfenced front yard of the child care group home.

52-36. "Field trip" means travel for a specific activity to a location away from a certified the area of the child care group home approved for providing child care services for an activity and participation in the activity.

R9-3-101(60) and (63)

Definitions of "premises" and "residence"

What if a certificate holder owns two adjoining properties surrounded by a single fence on which there are two dwellings used for human habitation?

The application for a certificate for a child care group home requires an address for the residence (R9-3-201(2)(a)(iii)), and the provider is required to live in the residence (R9-3-301(A)(1)(a)). A property owner may have both properties rezoned under one address, but the dwelling the provider lives in is considered to be the residence, while any other dwelling on the premises is just a "structure on the property." No changes will be made to the definitions.

R9-3-101(64)

Definition of "resident"

Does this definition open the way for a provider to only use the child care group home as a place of habitation for 30 or more days during the calendar year?

No, R9-3-301(A)(1)(a) requires the provider to live in the residence, which is a more stringent standard than being a resident.

R9-3-101(65)

Definition of "sanitize"

Why is this term defined while the more-often-used term "disinfect" is not?

The term sanitized is used in R9-3-402(C)(3) in reference to a cleaning and sanitizing a crib (pg 65) and in R9-3-507(B)(1)(a) in reference to cleaning and sanitizing a diaper changing area (pg 97). The term "disinfect" and related words are used in the definition of "sanitize" (pg 11), in the phrase "chemical disinfection standards" for pools (R9-3-503(A)(1), pg 88), in reference to cleaning and disinfecting equipment, materials and toys (R9-3-506(2), pg 96), and in reference to cleaning and disinfecting toilets, sinks, drinking fountains, and bathtubs (R9-3-506(9) and (10), pg 97). The Department is using the dictionary definition of "disinfect" and does not believe the term needs to be defined. No change will be made to the rules.

R9-3-101(66)

Definition of "school-age"

A work-group member remarked about a school-age child signing himself into a group home.

We can review the usage of this term when we get to R9-3-305(A)(1)(c) and R9-3-401(B)(4).

R9-3-101(72)

Definition of "supervision"

How would part (d) of this definition work for a therapist coming into the child care group home and providing services to an enrolled child? One work-group member stated that, unlike at child care facilities, a therapist would not sign an enrolled child out while providing services to the enrolled child.

While an enrolled child is signed into the child care group home, the enrolled child is required to be under the supervision of a staff member, and the certificate holder/provider is responsible for the health and safety of the enrolled child during that time. Unless a staff member "supervises" the therapist, how can the certificate holder/provider ensure the health and safety of the enrolled child during therapy? The Department recommends that the therapist, with authorization from the enrolled child's parent as specified in the rules, sign the enrolled child out during the therapy session and back in afterwards so that it is clear that during therapy the enrolled child is supervised by the therapist rather than by a staff member. No change will be made to the definition.

R9-3-102(C)(6)

Do the rules need to include the number of days that an applicant has in which to appeal a denial?

When the Department sends out a written notice of denial, the information required by A.R.S. § 41-1076 is provided, including the number of days within which the applicant must file a protest, and does not need to be in the rules. No change will be made to the rule.

Table 1.1

Should the citation under "Approval of Change Affecting Certificate" reference R9-3-205, rather than R9-3-204?
Yes, the Department will correct the reference.

R9-3-201(2)(a)(xiv)

What happens if the applicant is lying about compliance with zoning and we know they are lying?

The Department will remove this requirement from the rules.

R9-5-202(E)

The rule does not require a certificate holder to notify the Department about a former employee losing a fingerprint clearance card.

The current rules do not require a certificate holder to notify the Department after receiving notification that an employee or former employee has lost the employee's clearance, and this requirement has not been added to the draft rules. However, the Department expects a certificate holder to follow the requirements in R9-3-202(E) and not allow an individual to be a staff member or resident if the individual does not have a valid fingerprint clearance card. No change will be made to the rules.

R9-3-205(A)

What happens if a certificate holder designates another individual to be the provider or if the provider's name changes? Since the provider's name is on the certificate, wouldn't that need to be reported and another certificate obtained?

The Department will take the provider's name off the certificate. The rules in R9-3-204(A) will not be changed. However, the Department will require in rule for the certificate holder to notify the Department of a change in the provider, similar to the requirement in child care facility rules for notification of a change in facility director. This addition to the rules will be made in R9-3-301, becoming the new subsection (I) and state the following:

- I. Within 72 hours after changing a provider, a certificate holder shall send the Department written notice of the change, including the name of the new provider.*

R9-3-207 (A)

Why does this rule specify that the Department may deny, revoke, or suspend a certificate to operate a child care group home if any of the listed situations occurs for an applicant or certificate holder, but does not include a provider?

The Department considers a certificate holder responsible for the actions of a provider and holds the certificate holder accountable for ensuring that none of the listed situations is true for a provider.

Next scheduled meetings

February 8, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to previously-reviewed Articles

Review of Article 3

February 22, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to previously-reviewed Articles

Review of Article 4

March 8, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to previously-reviewed Articles

Review of Article 5

March 22, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion: TBD